

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,	:	CASE NO. 5:18CR00558
	:	
Plaintiff,	:	JUDGE DAN AARON POLSTER
	:	
v.	:	
	:	
WILLIAM SMITH,	:	
	:	
Defendant.	:	MOTION TO CONTINUE

Now comes Defendant, William Smith by and through undersigned counsel, and respectfully submits the instant Motion to Continue the Sentencing Hearing presently scheduled for August 19, 2019 at 10:30 a.m.

Because counsel did not obtain Mr. Smith's Final Presentence Report ("PSR") until August 15, 2019, Mr. Smith, through counsel, respectfully requests this Court continue the August 19, 2019 Sentencing Hearing so as to enable him to prepare a Sentencing Memorandum for this Court's consideration in advance of sentencing in this matter.

On August 6, 2019, counsel received notice that the sealed final PSR as to Mr. Smith was filed and that, once released by the Clerk, a second Notice of Filing would be sent and Mr. Smith's PSR would be accessible for viewing at that time. As of August 12, 2019, counsel had not received Notice that Mr. Smith's PSR was accessible. With the Sentencing Hearing scheduled for August 19, 2019, and a desire to incorporate the findings in Mr. Smith's final PSR into a Sentencing Memorandum, counsel's office contacted the Pretrial Services Officer who prepared Mr. Smith's PSR to inquire on August 15.

The Pretrial Services Office indicated that others had recently contacted their office with this problem, and thus suspected there to be an issue at the present time relative to the filing and/or un-sealing of PSRs. Thereafter, counsel contacted the Court's staff, who was able to assist counsel in accessing Mr. Smith's final PSR on August 15, 2019.

Counsel only just obtained Mr. Smith's PSR on August 15, 2019 and respectfully requests additional time to fully incorporate certain information in the PSR into a Memorandum. Accordingly, Mr. Smith, through counsel, respectfully requests this Court continue the August 19, 2019 Sentencing Hearing so as to allow him additional time to prepare and complete a Sentencing Memorandum for this Court's consideration in advance of sentencing.

Counsel respectfully proposes the following, alternate dates: August 28, 2019 at or after 1:00 p.m.; August 30, 2019 (any time convenient for this Court); September 4, 2019 (at any time convenient for this Court).

WHEREFORE, Mr. Smith, through counsel, respectfully submits the instant Motion to Continue and asks that it be GRANTED.

Respectfully submitted,

s/Jay Milano

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William Smith

CERTIFICATE OF SERVICE

A copy of the foregoing Motion to Stay has been served via CM/ECF electronic filing with the United States District Court for the Northern District of Ohio this 15 day of August 2019 upon:

Jason Katz
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Respectfully submitted,

s/Jay Milano
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